

CIVIL RIGHTS REQUIREMENTS

Purpose

To establish and convey policy and provide guidance and direction to the United States Department of Agriculture, Food and Nutrition Service and its recipients and customers.

To ensure compliance with and enforcement of the prohibition against discrimination in all Food and Nutrition Service nutrition programs and activities, whether federally funded or not.

Civil Rights Documentation

Institutions must maintain formal documentation of the Institution's Civil Rights complaint policy and procedure and documentation of any Civil Rights complaints and follow-up action.

Offering CACFP in A Non-Discriminatory Manner

Civil Rights regulations are intended to assure that benefits of the Child and Adult Care Food Program (CACFP) are made available to all eligible persons. This includes:

- Making every effort in recruitment and enrollment procedures to allow equal participation by all eligible participants and potential participants regardless of race, color, national origin, sex, age, or disability.
- Distributing and classifying the Income Eligibility forms (IEF) in a way that is fair to all and does not discriminate based on race, color, national origin, age, sex, or disability.
- Serving meals in a way that allows equal participation regardless of race, color, national origin, age, sex, or disability.

DISCRIMINATORY PRACTICES

Discrimination is when an individual or a group of individuals are:

- Denied a benefit or service that others receive,
- Delayed receiving a benefit or service that others receive, or
- Treated differently than others.

When individuals or a group of individuals in a protected class (race, color, national origin, age, sex or disability) complain they have been discriminated against, it is the Institutions responsibility to assist the complainants to report the alleged incident(s), investigate the incident in a fair and impartial manner, and to work with SDE and/or the USDA to resolve the complaint.

Examples of discriminatory practices include:

- Refusing to allow an eligible child or adult to be enrolled based on his/ her disability
- Failing to provide participants with disabilities reasonable accommodations to receive benefits
- Serving meals at a place, time, or in a manner that discriminates based on race, color, national origin, sex, age, or disability
- Selectively distributing IEF forms to only some households (For example, distributing IEF forms only to those households the Institution thinks will qualify for Free or Reduced-Price eligibility)
- Failing to apply the same eligibility criteria to all potential participants
- Failing to provide materials that give non-English speaking persons full and equal opportunity to receive benefits

Reasonable accommodations shall not fundamentally alter the nature of the program or create undue administrative or financial burden on the Institution. Note: Some financial burden is expected; Institutions shall determine what is reasonable and can negotiate accommodations and give alternatives that will meet the participants' needs due to their disability. Institutions are encouraged by SDE to maintain policy and procedures for making reasonable accommodations for participants due to disabilities.

Obligation to Offer Infant Meals in the CACFP

All childcare centers, Head Start programs and homeless institutions participating in the Child and Adult Care Food Program (CACFP) must offer meals to all children enrolled for care in their facilities, including infants.

An Institution may not avoid this obligation by stating that the infants are not “enrolled” in the CACFP, or by citing a logistical or cost barrier to offering infant meals. Decisions about offering CACFP meals must be based on whether the child is enrolled for care, not whether the child is enrolled in the CACFP. Institutions must collect and maintain signed Infant Feeding Benefit Notification and Acknowledgement forms for all infants in care that show CACFP benefits were offered to parents/guardians.

When an infant is in care during the meal service period, the Institution must offer the infant meals that comply with CACFP requirements. If the Institution's policy allows parents/guardians to supply formula or food, the parent/guardian may decline what is offered and supply the infant's meals instead. See the Meal Service and Meal Pattern section of the manual for more information on parents/guardians supplying meals for infants in care.

Collecting Racial and Ethnic Data

Institutions are required to report race and ethnicity of all program participants annually and compare this data to potential eligible in the Institutions service area (by counties). The preferred method of data collection for participants, according to Food and Nutrition Service, is self-identity. For example, a parent checks the ethnicity or race box on their enrollment form. In the case that the no self-identification is made, a visual identification should be documented. Please remember you cannot ask a child his/her race or ethnicity.

COLLECTING AND REPORTING RACIAL/ETHNIC DATA

SDE requires annual reporting on the ethnic and racial data of participants and potential eligible in service area (county data) during the new annual updates application process. When approving application packets SDE will review the participant data to the Institutions potential service area eligible data (county). If disparities occur SDE will investigate the reason for the disparity and shall request the Institution to provide additional outreach in their service area.

Each child nutrition program area has data collection procedures specific to their program. Links to these specific data collection trainings can be found on the Civil Rights tab of the Idaho State Child Nutrition Program website. Individuals required to collect the data will need this additional training.

Sponsors may develop a system of data collection specific for their individual organization. Data documentation must be kept for 3 years plus the current year. When obtaining data, both race and ethnicity need to be recorded for each participant. Ethnicity refers to the question-Is a person Hispanic or Latino or Not Hispanic or Latino? Participants can choose from either category.

Public Notification

EFFECTIVE PUBLIC NOTIFICATION SYSTEMS

Sponsors are required to make public, via public announcement, their program availability. This ensures that qualified participants are aware of the program. Nondiscrimination posters must be displayed in a prominent public place such as a lobby, cafeteria or as a best practice, both. Please make sure you are displaying the correct nondiscrimination poster. The correct poster has a date of 12/99 in the bottom right corner. Compliance with Public notification systems includes providing information in other formats for those with disabilities. An example of this may be; providing large print or braille menus for those who are visually impaired. Nondiscrimination statements must be included on all media mentioning USDA funded Child Nutrition programs, including menus, flyers, internet pages and other food related program announcements. Equal opportunity must be conveyed when using photographs. Include a good representation of various ages, races, genders, etc. This slide shows an example of a flyer mentioning a sponsor's food program with the nondiscrimination statement included at the bottom.

The Idaho State Department of Education submits an annual media release for all Institutions statewide. This release meets the public notification requirements in 7 CFR 226 but Institutions may choose to submit their own media release to their local media.

MINORITY AND GRASS ROOTS ORGANIZATIONS

All CACFP Institutions are required to contact minority and grassroots organizations to recruit potential participants. Organizations to contact may include, but are not limited to, schools/colleges, early intervention, health care systems, childcare provider organizations, religious organizations, and community and cultural outreach programs.

Requirements for reasonable accommodation of persons with Disabilities

Civil Rights requirements state that reasonable accommodation must be made for persons with disabilities, for example ramps for those in wheel chairs to access the food program or food component substitutions for those with medically documented food allergies.

Requirements for Language Assistance

Civil Rights requirements state that provisions must be made for non- English speaking program participants. For example, enrollment forms or menus may need to be translated into Spanish where it is necessary for families to comprehend. Another example of language assistance would be providing braille or large print for visually impaired program participants.

Complaint Procedures

USDA has set a procedure for discrimination complaints based on instructions in FNS113. Sponsors are also required to make Civil Rights complaint information available upon request.

Right to File- Any person alleging discrimination based on a protected class has the right to file a complaint within 180 days of the discriminatory action.

Acceptance- All complaints, written or verbal, must be forwarded to the State Agency within 3 days. Anonymous complaints will be handled as any other complaints.

Verbal- If a person makes a verbal complaint via phone or in person and refuses or is not inclined to place allegations in writing, the person to whom the allegations are made must write up the complaint, making an attempt to collect specific information. When documenting a Civil Rights complaint, the following information should be included;

- Name, address, telephone number of the complainant, if provided by complainant (complainants are not required to provide this information)
- Specific location and name of entity delivering the service or benefit
- The nature of the incident, action or method of administration that led the complainant to feel discriminated against
- The basis on which the complainant believes that discrimination exists
- Names, phone numbers and titles and business or personal addresses of persons who may have knowledge of the discriminatory action
- Date(s) the action occurred

The Institution's written Civil Rights complaint procedure must describe:

- Where the Civil Rights Complaint Forms and Civil Rights Complaint Log will be kept at each site and at the administrative offices
- Who is trained on the Institution's Civil Rights procedure
- How Civil Rights complaints will be recorded in the Civil Rights Complaint Log
- Procedures for receiving and forwarding an alleged civil rights complaint, Civil Rights Complaint Procedure.

Civil Rights Training

Training is required so that people involved in all levels of administration of programs that receive Federal financial assistance understand civil rights related laws, regulations, procedures, and directives. Persons responsible for reviewing Civil Rights compliance must receive training to assist them in performing their review responsibilities. This training may be carried out as part of ongoing technical assistance.

State agencies are responsible for training Child Nutrition Program sponsors. Sponsors are responsible for training their staff, which includes "frontline staff". Frontline staff is all staff that interacts with program applicants or participants and those who supervise "frontline staff". Training must occur before the staff assumes their duties in Child Nutrition Programs and annually thereafter. Sponsors must document the training with an agenda and sign in sheet for all participants.

STAFF TRAINING

The Institution official who attends a SDE training must provide Civil Rights training to all of its staff involved in CACFP functions. Initial and annual Civil Rights training must be documented. Required training topics are:

- Effective Public Notification Systems
- Compliant Procedures
- Compliance review techniques and Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

Institutions may use the Civil Rights Training for Staff Form or they may develop one of their own.

Institutions must display the non-discrimination poster, And Justice for All, where parents, adult participants and the general public can see and read it. Whenever the CACFP or USDA is mentioned or implied on Institution materials, the non-discrimination statement must be included on these published materials.

Information that is directed to parents, employees, potential participants/employees or other public groups and that mentions the CACFP or USDA meals must also include the non-discrimination statement.

Informational materials that require the statement include:

- Employee handbooks
- Enrollment forms
- Menus
- Newsletters
- Brochures
- Parent handbooks
- Print or broadcast advertisements
- Flyers

USDA Non-Discrimination Statement – Long Form English

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866)632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202)690-7442 or email at program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800)877-8339; or (800)845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

USDA Child Nutrition Programs recognize the following protected classes: race, color, national origin, sex, age, and disability.

USDA Non-Discrimination Statement – Long Form Spanish

El Departamento de Agricultura de los Estados Unidos (por sus siglas en inglés "USDA") prohíbe la discriminación contra sus clientes, empleados y solicitantes de empleo por raza, color, origen nacional, edad, discapacidad, sexo, identidad de género, religión, represalias y, según corresponda, convicciones políticas, estado civil, estado familiar o paternal, orientación sexual, o si los ingresos de una persona provienen en su totalidad o en parte de un programa de asistencia pública, o información genética protegida de empleo o de cualquier programa o actividad realizada o financiada por el Departamento. (No todos los criterios prohibidos se aplicarán a todos los programas y/o actividades laborales.)

Si desea presentar una queja por discriminación del programa de Derechos Civiles, complete el [USDA Programs Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html) (formulario de quejas por discriminación del programa del USDA), que puede encontrar en internet en http://www.ascr.usda.gov/complaint_filing_cust.html, o en cualquier oficina del USDA, o llame al (866) 632-9992 para solicitar el formulario. También puede escribir una carta con toda la información solicitada en el formulario. Envíenos su formulario de queja completo o carta por

correo postal a U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, por fax al (202) 690-7442 o por correo electrónico a program.intake@usda.gov.

Las personas sordas, con dificultades auditivas, o con discapacidad del habla pueden contactar al USDA por medio del Federal Relay Service (Servicio federal de transmisión) al (800) 877-8339 o (800) 845-6136 (en español).

El USDA es un proveedor y empleador que ofrece igualdad de oportunidades.

Los Programas de Nutrición Para Niños (USDA) reconocen las siguientes clases protegidas: raza, color, origen nacional, sexo, edad y discapacidad

USDA Non-Discrimination Statement – Short Form

Material that is one page or less (front and back-sided is considered one page) and is too small to include the full non-discrimination statement may use the following abbreviated statement:

“USDA is an equal opportunity provider and employer.”

USDA Non-Discrimination Statement – Short Form Spanish

“El USDA es un proveedor y empleador que ofrece igualdad de oportunidades.”

Customer Service

Customer service involves treating all program participants and their families fairly and equally. Front line servers should be enabled to provide the best customer service possible to families and recipients of Child Nutrition programs. Accountability and awareness of discrimination is a key component to good customer service.